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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/213,138	12/16/1998	GEORGE A. LOPEZ	ICUMM.1110A	7376
20995	7590	02/27/2006	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP			HAVAN, THU THAO	
2040 MAIN STREET			ART UNIT	
FOURTEENTH FLOOR			PAPER NUMBER	
IRVINE, CA 92614			3624	

DATE MAILED: 02/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/213,138

Applicant(s)

LOPEZ ET AL.

Examiner

Thu Thao Havan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 15-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 15-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**Detailed Action**

***Claim Objections***

Claim 18 is objected to because of the following informalities: Claim 18 depends on claim 11 that is previously cancelled. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims **1-10** and **15-25** are rejected under 35 U.S.C. 102(e) as being anticipated by Ferguson et al. (US 5,966,697).

Re claims **1**, **15-16**, and **19**, Ferguson teaches a system for browsing products using competitor information (figs. 2-3), the system comprising:

a product database including first data representing a product, including second data representing a competing product, and including third data representing an association between said product and said competing product, said product database stored on a computer readable medium (col. 4, lines 12-57);

a dynamic page file for generating an electronic store page, said dynamic page file including instructions to use said second data as a query parameter to obtain said first data

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from said product database, said first data included in said electronic store page, said dynamic page file stored on said computer readable medium (col. 4, line 58 to col. 6, line 16); and

a product information server responsive to a customer request for said electronic store page to access said dynamic page file, to process said instructions and to provide said electronic store page to said customer, said product information server running on a computer operably connected to said computer readable medium (col. 6, lines 40-67; fig. 1). In other words, Ferguson discloses virtual stores for users to do comparison shop. A user is able to browse in a hyperlink style for products using competitor information.

Re claims **2-3**, Ferguson teaches a second dynamic page file for generating a second electronic store page, said dynamic page file including second instructions to use information identifying a manufacturer as a query parameter to obtain said second data from said product database, said second data included in said second electronic store page, said second dynamic page file stored on said computer readable medium (col. 10, lines 21-40; fig. 3).

Re claim **4**, Ferguson teaches an electronic store page having a hyperlink responsive to a customer selection of said hyperlink to generate said request (col. 9, lines 1-28).

Re claims **5-6**, Ferguson teaches a customer browser which transmits said second data to said page server upon said selection of said hyperlink (fig. 5). In figure 5, Ferguson discloses hyperlink by permitting a customer to link all the merchants' products into one payment.

Re claims 7-10, 22, and 24, Ferguson teaches a method for locating information about a product using information about a corresponding product (fig. 4), the method comprising the steps of:

transmitting with a page server at least one corresponding product hyperlink to a customer browser, said at least one corresponding product hyperlink operatively associated with a corresponding product identifier representing a corresponding product and operatively associated with a page file identifier representing a corresponding product page file (col. 9, lines 1-28;

receiving with said customer browser said corresponding product hyperlink (col. 12, lines 8-44);

displaying with said customer browser information identifying a product, a portion of said displayed information selectable to activate said corresponding product hyperlink (figs. 8-9a and 10a); and

responding to a selection of said portion by transmitting to said page server a request for said corresponding product page file and by transmitting to said page server said product identifier (col. 13, lines 45-67). In other words, Ferguson discloses a user computer, a checkout processor, and one or more merchant computers are interconnected via a network. A user first selects a merchant and receives product information from the merchant. The user may select products from the merchant along with options for the selected items from multiple merchants.

Re claims 17-18, 20-21, 23, and 25, Ferguson teaches a computer readable medium storing instructions and e-store dynamic page file (figs. 1 and 8-10e).

### Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hill, US 5,970,471

Schachne et al., US 2001/0042020

Jacobi et al, US 6,317,722

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Thao Havan whose telephone number is (571) 272-8111. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct-uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

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2/20/2006



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